

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

BOSTON DIVISION

2011 FEB 28 P 12:07

Albert C. Burgess, Jr.,]

Plaintiff]

]

vs.]

CIVIL COMPLAINT

]

[Jury Trial Demanded]

Ebay, Inc.,; Paypal, Inc.,;]

Mediacom, Inc.,; Morris]

Broadband, Inc.,; Wells Fargo]

Bank, Inc.,; Bank of York,;]

Google, Inc.,; Beth Dierauf,;]

Pat Redden,; Forest Howard,;]

Patrick Wilhelm,; Greg McCloud,]

and other unknown Defendants,]

Defendants]

_____]

Now comes the Plaintiff, pro se, and alleges and says:

JURISDICTION

1. That the jurisdiction of this Court is brought under 28 U. S. C. A. §1331 and 28 U. S. C. A. §1332. The venue of this Court is brought 28 U. S. C. A. §1391 (a)(2)(b)(2).

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PLAINTIFF

2. That Albert C. Burgess, Jr., is a citizen and resident of Virginia and has residency status in other states, but that the action under 28 U.S.C.A. §1332 happened in the District of Massachusetts, and is hereafter referred to as the Plaintiff.

DEFENDANTS

3. That Ebay, Inc., Paypal, Inc., Mediacom, Inc., Morris Broadband, Inc., Wells Fargo Bank, Inc., Bank of York, Inc., Google, Inc., are all foreign corporations doing business in the state of Massachusetts and are hereafter referred to as the Defendants or by their initial corporate name.

4. That Beth Dierauf, Pat Redden, Forest Howard, Patrick Wilhelm and Greg McCloud are residents of North Carolina but their actions invokled the jurisdiction of this Court as said actions invokled the jurdictions of many United States District Courts.

STATEMENT OF LAWS VIOLATED

5. The Defendants collectively and individually violated 18 U. S. C. A. §2701, et seq.; 12 U. S. C. §3402; 15 U. S. C. §1 et seq; 12 U. S. C. A. §3402, et seq; The United States of America Patriot Act and as yet unknown statutes of the United States, including but not limited to fraud, restraint of trade, RICO violations and others.

6. That each action of the Defendants as alleged herein was done unlawfully, unreasonably and contrary to law.

STATEMENT OF FACTS

7. That Ebay, Paypal, Mediacom, Morris Broadband did with willful intent cause "pop ups" to appear on the computer of the Plaintiff while said computer was

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in the jurisdiction of this Court and against the explicit wishes and desires of the Plaintiff causing the Plaintiff personal injury and lost time and damage to his computer. That said "pop ups" were placed on the Plaintiff's computer by criminal means, including breaking and entering and fraud and with reckless disregard for the laws of Massachusetts. Said violation caused free trade to be suspended and created an unfair trade advantage for these Defendants, restricted free trade, and violated the Sherman Antitrust Act and the state laws of Massachusetts in regard to free trade and criminal trespass and violation of privacy.

8. That Ebay, Paypal, Wilhelm, Bank of York, Google, Howard, Redden, Dierauf did violate 18 U. S. C. A. §2701, et seq, by failing to obtain and honor due process with a search warrant when they accessed the financial records of the Plaintiff and failed to honor the law in releasing same.

9. That Wells Fargo and Bank of York did violate 12 U. S. C. Chapter 35, 3402 et seq, by releasing financial records of the Plaintiff without a search warrant or by complying in any way with the statute.

10. That Ebay, Paypal, Wilhelm, Bank of York, Google, Howard, Redden, Dierauf and Wells Fargo did fail to comply with the Patriot Act in regards to the release of information concerning the Plaintiff.

11. That McCloud, Redden and Howard did falsify court records which are posted Online and available in the District of Massachusetts in a criminal manner designed to intentionally violate the law and cause harm to the Plaintiff.

12. That Bank of York, Ebay and Paypal did violate Banking Privacy laws to the harm and detriment of the Plaintiff.

13. That Ebay, Paypal, Howard, Redden, Dierauf, Bank of York, Wells Fargo and Google, did violate the mandate of the United States Supreme Court in U. S. v. Williams, 553 U. S. 285.

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14. That Morris Broadband, Mediacom and Ebay and Paypal did refuse to heed to a lawfully processed and served subpoena upon their records which was made by a court of competent jurisdiction in regards to records of the Plaintiff, Yet, released any and all records to third parties without any subpoena or search warrant when such release would be to the detriment of the Plaintiff.

15. That all the Defendants have engaged in a pattern of lawlessness regarding privacy laws of the United States as long as the benefit is to them personally.

16. That Ebay, Paypal, Morris and Mediacom have enriched their financial positions through illegal and criminal means as described herein and then "crow" to the Business world about their extraordinary profits they have generated and have in fact generated such profits through illegal and criminal means.

17. That Ebay, Paypal, Morris Broadband and Mediacom are in possession of evidence which will prove the illegality of the criminal proceeding brought by these Defendants and have refused to produce such evidence when lawfully required to do so and are successful in thumbing their noses at the Federal judiciary because they have the money to do so.

18. That Redden and McCloud and Dierauf have put the Plaintiff on a national sex offender registry by means of false charges which do not even exist and are not convictions and such registry is shown in the District of Massachusetts. Such actions have caused the Plaintiff injury, harm and loss of money.

19. That Ebay and Paypal are actually law enforcement agencies working hand in hand with federal officials while at the same time committing repeated criminal acts themselves without fear of prosecution, yet refusing to reveal the deal they have with law enforcement and this allows them to violate the Sherman Antitrust Act and the other violations of federal law complained of herein without fear of prosecution.

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20. That the actions against the Plaintiff, in part, by most of these Defendants was doen because the Plaintiff obtained an order from a North Carolina court stating that "pop ups" were in fact criminal trespass. The implication of such an order is "mind boggling" to Defendants Ebay, Paypal and others. The easiest way to combat said order was to eliminate the Plaintiff by violating most of the laws of the United States and some of these actions were in fact retaliation.

R ELIEF DEMANDED

21. That the Plaintiff have a trial by jury.

22. That the Plaintiff have and recover from each of the Defendants the statutory maximum amount of damages allowed by the various federal statutes which have been violated, in any event, no less than one million dollars.

23. That the Plaintiff have and recover from each of the Defendants Ebay, Paypal, Morris and Mediacom an amount to reflect the serious nature of their trade restraining actions against this Plaintiff, in any event, no less than one million dollars.

24. That the Plaintiff have and recover from Defendants Wilhelm, Howard, Dierauf, Redden and McCloud an amount which reflects the very serious nature of the Constitutional violations these people committed against the Plaintiff, done knowingly, willingly and intentionally, with a reckless disregard for the law. Each Defendant, not a federal agent, was working under the direction of the federal government and are therefore subject to Bivens jurisdiction. They were working in concert with federal agents, not state agents, and are thereby subject to the same laws as federal agents.

25. That Defendants Ebay, Paypal, Morris and Mediacom be required to pay appropriate damages to the Plaintiff for failing to obey lawful subpoenas of a United States District Court and for withholding evidence which would demonstrate the legal innocence of the Plaintiff.

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26. That the Plaintiff have and recover from each of the Defendants a sum in excess of one million dollars for the intentional violations of the Plaintiffs rights as described herein.

27. That the cost of this action be taxed against the Defendants

28. For any other relief the Court may deem just and proper.



Albert C. Burgess, Jr.

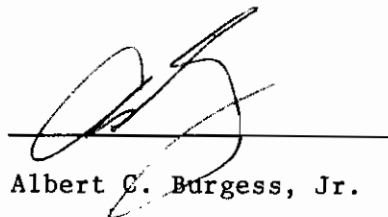
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POB 7007

Marianna, FL 32447

VERIFICATION

I, Albert C. Burgess, Jr., first being duly sworn, do state that I have read this complaint and find it to be true and correct to the best of my knowledge and ability.



Albert C. Burgess, Jr.

Sworn to and subscribed before me

this the 25th day of January, 2011.



Notary Public for the State of Florida

My commission expires: January 20, 2014

